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The Case of the President
or Governor, and of the Council
of Madrass, Fairly Stated

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THE

CASE

OF THE

PRESIDENT OR GOVERNOR,

AND OF THE

COUNCIL OF MADRASS,

FAIRLY STATED:

WITH

OBSERVATIONS AND REMARKS

ON THE

CONDUCT OF BOTH PARTIES,

AS WELL AS OF

COLONEL STUART.

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THE CASE OF THE PRESIDENT OR GOVERNOR, AND OF THE COUNCIL OF MADRASS, &c.

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CONSEQUENCES have followed the diſpoſſeſſing the Nabob of Arcot of the country of Tanjore, that have brought on a great queſtion of right, between the Preſident or Governor, and the Council appointed to aſſiſt him in the management of the Eaſt-India Company's affairs at Madraſs.

It is that queſtion of right, not the claims of the Nabob or Rajah, on the country and crop of Tanjore, which I propoſe to examine.

But before proceeding to the diſcuſſion of that point, it is neceſſary to relate the facts that have given riſe to the diſpute.

During the adminiſtration of Mr. Wynch at Madraſs, the Nabob of Arcot perſuaded the Eaſt-India Company's ſervants of that ſettlement to aſſiſt him in the conqueſt of the country and fort of Tanjore.

Mr. Wynch was diſmiſſed the Company's ſervice for his ſhare in that tranſaction, and the reſt of the Council ſeverely reprimanded.

Lord Pigot ſucceeded Mr. Wynch as Preſident or Governor of Madraſs on the 11th of December, 1775.

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The Company's inſtructions to their new Preſident and Council had two principal objects in view---The reſtoration of the Rajah of Tanjore under certain conditions*, and the eſtabliſhment of a Committee of Circuit, that was to examine into the management of their different revenues, on the ſpot on which they were collected.

In the execution of the firſt part of theſe inſtructions, great delicacy and management, with reſpect to the Nabob, was recommended to the new Preſident and Council, the Company eſteeming him the moſt powerful, as well as the moſt able of the Indian Princes upon that coaſt.

The Committee of Circuit was not to begin their operations till the Rajah of Tanjore was re-eſtabliſhed.

The Nabob of Arcot made repreſentations upon repreſentations againſt the injuſtice and breach of faith, as he called it, of diſpoſſeſſing him of Tanjore.---He would upon no account give his conſent to the Company's re-eſtabliſhing the Rajah, but did not oppoſe our placing a European garriſon in his capital, nor attempt to reſiſt that by force, which he endeavoured by every other means in his power to obſtruct.---It was not indeed to be expected, he would give any aſſiſtance to the diminution of his own power.

The Nabob's artful conduct rendered it neceſſary, that ſome of the Company's ableſt ſervants ſhould be preſent at Tanjore, at the moment of the Rajah's being put in poſſeſſion of the government of his country. Lord Pigot propoſed that he himſelf ſhould be ſent there, and have liberty to take along with him ſuch other of the Company's ſervants, civil or military, as he judged proper. The Council acquieſced, and veſted his Lordſhip with all power, military as well as civil, whilſt abſent.

This was not carried without oppoſition in the Council, and deſerves particular attention, as nothing but harmony had appeared there before that time †.

* See vol. i. of Papers publiſhed by the Directors of the Eaſt-India Company, from page 1 to 13.

The orders for the Rajah's reſtoration are worthy the obſervation of the curious, being a moſt complete ſyſtem of European morality, as practiſed in India.

They condemn the iniquity of the late Preſident and Council, for barbarouſly depriving the unfortunate Rajah of his dominions, and order the new Council to reſtore him to all and every Royal power and authority, a Rajah of Tanjore *ought* to poſſeſs, i. e. He ſhall make no treati s but ſuch as the *Company* approve of—maintain no troops but ſuch as the *Company ſhall judge neceſſary* for the guard and dignity of his perſon—pay the expence of ſuch European garriſon as the *Company ſhall think proper* to place in the city of Tanjore, the capital and only fortreſs in his dominions.

Thus the Company mean to enjoy the profit of uſurpation in India, and the credit of reſtoration in Europe. The hint, I imagine, has been taken from the Roman method of reſtoring liberty to the little Republic of Greece.

† See vol. i. page 88. 89.

Lord

Lord Pigot's conduct, during his ſtay at Tanjore, did not give univerſal ſatisfaction.

Captain Tonyn had, according to the ſpirit, but not according to the literal words of an order he had received from his Lordſhip, ſeized the Nabob's Dobbeer * at Arrialoor, a place belonging to his Highneſs, and brought him to Tanjore, whither with or againſt the conſent of the Dobbeer is not quite clear. Of this act the Nabob made bitter complaints to the Council at Madraſs, and not finding redreſs there, to the Supreme Council of India at Bengal †.

Lord Pigot had ordered one Comeroo, a ‡ Dubaſh, repreſented as being of ſome note, and high birth, (a circumſtance much attended to in India) to be chabucked § on the public Parade of Tanjore, without form or proceſs.

He put the Rajah into immediate poſſeſſion of the crop on the ground, which the Nabob had ſown, without regard to his Highneſs's pretenſions as a bona fide poſſeſſor, or to Mr. Benfield's claims as creditor to the Nabob, and inhabitants of the Tanjore country ‖.

Sir Robert Fletcher made heavy complaints, that his Lordſhip had exerciſed authority over the army, as if he had been Commander in Chief.

Though the Council paſſed a vote of approbation on the whole of his Lordſhip's conduct at Tanjore, theſe things ſeem to have left a leaven of diſſatisfaction in the minds of ſeveral of the members.

A month after Lord Pigot's return to Madraſs, the Nabob claimed Sir Edward Hughes's ¶ protection againſt the aſſault and violences his Lordſhip threatened him with, and had partly put in execution.

Lord Pigot admitted, in his reply to Sir Edward Hughes, that he had mentioned to the Nabob a deſign he had formed of placing a guard on his

* The name given to an Officer of State.

† That Council has condemned almoſt every circumſtance of Lord Pigot's adminiſtration.

‡ A perſon that tranſacts buſineſs for others.

§ Flogged.

‖ To make this intelligible to an European, it is neceſſary to explain, that an Indian Prince has the property as well as the ſovereignty of his dominions, that he farms them himſelf, and that the inhabitants who cultivate the ground are in the nature of ſervants, whoſe wages the Prince pays out of the crop when reaped; the Prince finds all the inſtruments of huſbandry and ſeed. Mr. Benfield pretended to have accepted of the crop on the ground, as ſecurity for ſums of money advanced to the Nabob, and the inhabitants of Tanjore, which, according to his account, he had repreſented to Lord Pigot before he left Madraſs, who ſaid he would examine the matter on the ſpot, and agreed to Mr. Benfield's being preſent when he did ſo.—At Tanjore, Mr. Benfield preſſed his Lordſhip to examine the nature of his claims, but Lord Pigot referred them to the Council, and in the mean time put the Rajah into poſſeſſion of the crop, given to Mr. Benfield as his ſecurity. See Mr. Benfield's letters, &c. &c. vol. i. page 106. and following.

¶ Commanding his Majeſty's navy in India.

Palace

Palace to ſeize ſuch Europeans as deſired admittance to his preſence, but denied any intention of violence againſt his Highneſs's perſon.

Lord Pigot ſeems to have conſidered the Nabob's claiming protection from the King's officer, as very diſreſpectful to himſelf, and in conſequence moved three reſolutions in Council---That the purport of it was to create animoſity between the members of the Company's Government---That thus circumſtanced, it was indecent, improper, and contrary to the orders of the Company, for members of the Council to hold correſpondence of any kind with the Nabob or his ſons---That he ſhould be deſired to remove from Madraſs, and reſide at Arcot. The two firſt reſolutions were carried by his Lordſhip's caſting vote, the latter was thrown out.

While this quarrel with the Nabob was at its heighth, Mr. Benfield's affair came on anew, and the Council refuſed to confirm the negative before put on the claims of that Gentleman; the examination of which was ordered to be gone into.

Unanimity had fled from the Board on Lord Pigot's ſetting out for Tanjore, and Diſcord ſeems to have taken her place, from the moment of his Lordſhip's return. The inſult ſuppoſed to be offered to the Nabob on one part, and Lord Pigot loſing his favourite queſtion on the other, made matters ſtill worſe than they had been before.---Claims of excluſive authority as Preſident were brought forward by his Lordſhip, on finding a majority of the Council againſt him, which they anſwered by minutes and proteſts againſt his arbitrary maxims.---Diſputes followed diſputes, upon the ſame grounds, but upon different ſubjects, and every thing remained in the utmoſt confuſion, till Lord Pigot's abſolute refuſal of putting the queſtion for Colonel Stuart to proceed as Commandant to Tanjore, (without the majority would permit Mr. Ruſſell to go there as Reſident) brought matters to a criſis *.

In the courſe of theſe diſputes, Lord Pigot aſſerted the following claims of authority over the Council, and acted in conſequence:---That the Preſident can prevent any queſtion from being moved at the Board, which he does not approve of †.---That the Preſident can put any queſtion he approves of, though the majority of the Council ſhould diſapprove of it ‡. That the Preſident can adjourn, or not adjourn the Board as he pleaſes §. That the Preſident's concurrence is neceſſary to make an act of Council valid, conſequently he has a negative power over all their proceedings ‖.

* It would take a pretty large volume to go through every article of theſe diſputes, but there are in vol. iii. of the Papers printed by the Directors, diaries with references to the authorities of facts alledged, whom any one that thinks me partial may examine for my detection.

† Vol. i. page 320, 360. ‡ Vol. i. p. 320—1, 374.

§ Vol. i. page 326, 374. Vol. iii. page 404.

‖ Vol. i. page 318, 321, 326, 338, 356. Vol. iii. page 386, 396, 420.

That

That the neceſſity of circumſtances may be ſuch, as to make it proper for the Preſident to counteract the opinion of his Council *.

His Lordſhip founded theſe claims upon the words of the commiſſion of Government, which appoint a Council to enable *him* to govern, &c. And upon the cuſtom and practice following thereupon of all the Governors of the Company's ſettlements in India.

The Council founded their denial of theſe claims of the Preſident's authority over them, upon other words of the commiſſion of Government granting to the majority of the Preſident and Council full power and authority to rule and govern, &c.---And upon the cuſtom and practice following thereupon as the majority alledge.

Where two different parties pretend to have the right of Government, one muſt ſoon get the better of the other, I am ſurprized it did not in this caſe come ſooner to a concluſion.---All buſineſs was at a ſtand for the three days that the Preſident refuſed to put the queſtion ordered by the majority.---The Council was afraid of the conſequences of urging their authority, and Lord Pigot agreed to adjourn from day to day. At laſt the majority came to the reſolution in the Council Room, of writing a direction to the Secretary to ſign, *per order of Council*, a letter for Colonel Harper to deliver over the command of Tanjore to Colonel Stuart.

This direction wrote, the two ſenior Members of the majority ſigned it, and before any of the others could do ſo, Lord Pigot got poſſeſſion † of the paper, and took a written charge out of his pocket againſt the two Gentlemen that had ſigned it, of having been thereby guilty of an act ſubverſive of Government. A queſtion of adjournment was then moved by the majority, but Lord Pigot put the queſtion of ſuſpenſion upon Meſſrs. Stratton and Brooke ‡, and ordered the Secretary to take neither of their votes upon it; whereby, and the Preſident's caſting vote, their ſuſpenſion was carried. The majority aſſerted the nullity of this ſuſpenſion, and the five who were ſummoned to a Council the next day, inſtead of attending it, ſent a proteſt by the hands of a Notary Public to Lord Pigot. It charged his Lordſhip with offering an unexampled outrage to the conſtitution, and arbitrary behaviour to two Members whom he had illegally attempted to trick out of their ſeats at the Council Board; and aſſerted their right of authority and claim to Government of the

* Vol. i. page 360, 370, 373—4.

† A minute of the majority's, marked at the time, ſtates that Lord Pigot ſnatched the paper out of Mr. Brooke's hand; a minute of the minority's, marked a day or two afterwards, aſſerts it had not that appearance to them, for that Mr. Brooke ſeemed to have *given* Lord Pigot the paper.

‡ The Gentlemen who had ſigned the orders to the Secretary.

Company's ſettlement as a majority of Council *. This proteſt was laid by his Lordſhip before the Part of the Council that obeyed his ſummons of attendance, but no farther notice was taken thereof. Upon which the majority publiſhed it to the ſettlement, and took every other means of aſſerting their right to Government.

The promulgation of their claims was immediately made known to Lord Pigot and thoſe who adhered to him. They met in the Council Room, and ſent letters of ſuſpenſion to each ſigner of the proteſt. The Commander in Chief, Sir Robert Fletcher, being one of them, Lord Pigot ordered him to be tried by a Court Martial for endeavouring to excite mutiny and ſedition; and appointed Colonel Stuart to take the command of the army in his ſtead.

The majority on their ſide, upon receipt of their letters of ſuſpenſion, and directions for trying Sir Robert Fletcher for his life, iſſued counter orders to Colonel Stuart, charging him to arreſt the perſon of George Lord Pigot, who had overturned all law and Government.

Colonel Stuart ſays, that neceſſitated to chooſe between the contending parties, he thought it his duty to obey the majority of the Council. In conſequence of the orders he received from them, he arreſted the perſon of Lord Pigot on the 24th of Auguſt, 1776; and immediately afterwards proclaimed Mr Stratton to be Preſident of the Council, and Governor of Fort St. George, according to the inſtructions of the Company, which direct the ſecond in Council to take the Chair in caſe of the death or abſence of Lord Pigot.

As ſoon as the majority took poſſeſſion of the ſeat of Government, they in turn ſuſpended all the Members of the Council, who had before voted for their ſuſpenſion, under pretence of their having abetted and aſſiſted Lord Pigot in his illegal, unconſtitutional, and violent proceedings.

Whoever gives any attention to the facts I have related will ſee, that the whole of theſe diſputes, when ſtripped of the falſe colours that intereſt and connection have ſo laviſhly laid over them, muſt depend on the deciſion of one or two plain and direct queſtions.

Is the power of Government veſted in the Preſident alone, or in the majority of that Council in which he preſides?

Should this firſt queſtion be decided in favour of the Preſident, the matter is at an end.---The Council ſtands condemned.---But ſhould it be determined againſt the Preſident, another queſtion will ariſe before the Council can be acquitted.

* It was ſigned by Meſſrs. Stratton and Brooke, as well as by the five Members who had been ſummoned by Lord Pigot's direction.

Was

Was the neceſſity of the caſe ſuch as can juſtify the ſuſpending and arreſting the Preſident and Governor?

Two of the ableſt lawyers this country has produced have given their opinion on a caſe pretty nearly ſimilar, which is tantamount to aſſerting, that the whole authority of Government is veſted in the Preſident alone. Two others, as able as the former, have given an opinion on the ſame caſe, that the authority of Governmant is veſted in the majority of the Council *.

Had theſe four Gentlemen been of the ſame opinion, he would have been a bold man indeed, who, not belonging to their profeſſion, had ventured to hold an argument againſt them; for, Gentlemen of the long robe claim much the ſame excluſive privilege of judgment in this age, as Prieſts did in former ones. But where theſe luminaries of light diſagree in the firſt principles, both of law and conſtitution, as well as in the meaning of plain and direct words, it will not be held preſumption, I hope, even in me, to attempt forming a judgment for myſelf. To ſay the truth, I cannot quite approve of the indolence of people, who chooſe to ſee by the eye of their Counſel, rather than by their own. That they muſt be better acquainted with the forms and practice of the Courts; with the deciſions that have fixed the law meaning of words to be quite oppoſite to the ordinary meanings they bear in the world, I readily admit; but why they ſhould be better judges of the great outlines of a conſtitution, than the plain man, whoſe head is not bewildered in the quirks and quibbles of the law, I never could comprehend. Indeed, I carry my ambition ſo far, as to wiſh I could, along with Governor Johnſton, in ſpite of the labyrinths of the law, and the oppoſition of its profeſſors, ſometimes reſcue the cauſe of poverty and diſtreſs from the hard gripe of riches and oppreſſion---but to effect this, requires the parts and perſeverance of that extraordinary man, as well as his goodneſs of heart.

It will not I apprehend be denied me, that the ſpirit of all free Governments has applied itſelf to place the power, which muſt neceſſarily be lodged ſomewhere, in as many different hands as poſſible. Our own hiſtory will ſufficiently evince this, without going back to the imperfect ſtate of liberty enjoyed by other nations in former times. And England has always endeavoured to make the conſtitution of her Colonies reſemble

* A friend of mine once laid the ſame caſe, in different briefs, before Meſſrs. Pratt and Yorke, then Attorney and Solicitor Generals. The Attorney gave his reaſons at the foot of the brief ſent to him for being of one opinion.—The Solicitor gave the reaſons at the bottom of his brief for being of another opinion.—My friend exchanged the brief, ſent Mr. Pratt's to Mr. Yorke and Mr. Yorke's to Mr. Pratt; both Gentlemen changed their opinions for the reaſons aſſigned by their learned brother.—My unfortunate friend thus remained as much at a loſs as before he conſulted either.

that of the Mother Country as much as circumſtances would admit of *.---It follows from theſe two principles, that the general preſumption of right is in favour of the majority of the Council againſt the Preſident, in whom, if any excluſive authority is veſted, it muſt be by ſome particular act or ſtatute which it is his buſineſs to produce.

Lord Pigot carried out with him two commiſſions; the one civil, the other military.---The former conſtitutes him Preſident and Governor of the ſettlement, and nominates a Council to enable *him* to manage the Company's affairs.---This is the beginning and ſtile of the commiſſion.--- The latter part of it that narrates and defines the power granted, never lets the Preſident's name be mentioned without going hand in hand with his Council's, in a majority of which all power and authority is veſted †. It is therefore quite clear, that the power of Government is placed in the hands of the majority of the Council, which conſiſts of one Preſident and nineteen Counſellors, none of whom have voices when abſent.---And the commiſſion is ſo far from containing an implied proof in Lord Pigot's favour (as contended for by his friends) ‡ that there is an expreſs clauſe againſt him.

Not perfectly underſtanding what the lawyers mean by *integral* parts of government, I can only anſwer the objection drawn from it, according to the meaning I have affixed to that word.---I ſuppoſe the objection proceeds from the Preſident's name always making one along with the Council, and that a concluſion is drawn from this form, that no act of Government can be valid without him. In my mind the words quoted demonſtrate the contrary without any thing more.---But at any rate, this ſuppoſed doctrine of Integrality, if it proves any thing, proves too much. Suppoſe Lord Pigot had died, or run mad, or reſigned---Mr. Stratton, though ſecond in Council, was not named to ſucceed as Preſident.--- Will any body argue therefrom, the ſettlement was to have had no Government at all?---No.---But I ſhall be told by the learned, that ſeveral patents, charters, the laſt inſtructions and act of Parliament, appoint the next in Council to take the Chair in all matters both of Government and Judgment, when the Preſident named is abſent. Thoſe who make this

* The charter King William granted in 1698, by virtue of an act of Parliament, the Indenture tripartite between Queen Anne, the Old, and New India Company's, 1702—and all the ſubſequent charters and acts ſufficiently ſhew, that the Legiſlature has been directed by theſe maxims in the Government given to the India Company.—I mean ſince the Revolution; for that the ſpirit of this Government under the Tudors and Stuarts was that of freedom I do not pretend to aſſert.

† The words are:——"And we do hereby give and grant unto our ſaid Preſident or Governor, George Lord Pigot, and to our Council aforenamed, *or the major part of them*, full power and authority, &c. &c."

‡ From the words—"Enable *him* to manage."

anſwer

anſwer to me, will likewiſe pleaſe to obſerve, it likewiſe anſwers the argument of the *named Preſident*, being an *integral* part of Government.

The Preſident of the Houſe of Lords muſt be on the Wool-ſack, the Speaker of the Houſe of Commons in his Chair, as well as the Preſident of the Privy Council, before any of theſe conſtituent parts of Government can paſs a reſolution, make an order, or decide on any queſtion that comes before them. They are therefore *integral* parts of the conſtitution of each Houſe. But I never heard that either Chancellor, Speaker*, or Preſident, claimed any authority over the Council in which they reſpectively preſide, by virtue of this mere matter of form. The Chairmen of the Court of Directors are in this ſenſe *integral* parts of the India Company's conſtitution, for no act either of the Directors or Proprietors is valid, without one of them is preſent. But if Mr. Wombwell, or Mr. Devaynes, was to refuſe putting a queſtion the majority ordered, or to put the main queſtion when a previous one had been voted, or to adjourn, or not adjourn the Court, contrary to the opinion of the majority, moſt people would think any one of theſe things ſufficient reaſon for chuſing a new Chairman and Deputy before the end of the year; and the abſurdity of thoſe who propoſed to maintain and ſupport them in ſuch arbitrary and ridiculous claims of authority would be held up, in juſt as conſpicuous a light as recalling Lord Pigot, becauſe his conduct was approved of.

Having gone through the powers that Preſidents have in the different Courts of England, let us look at the powers of the Preſident of the Privy Council of Ireland. The Privy Council of Ireland makes a part of the Legiſlature of that kingdom; the King's repreſentative, veſted with the ſame powers as his Majeſty would have if preſent, is Preſident thereof. All proclamations and acts of Government, run in the name of the Lord Lieutenant and Council; but if the Lord Lieutenant and his Council differ, the opinion of the Council muſt prevail.---His Excellency's urging that his name is neceſſary to make an act of Government valid †; that he is an *integral* part of the conſtitution, will not prevent a proclamation from being iſſued agreeable to the ſenſe of the majority of the Council, to which the Lord Lieutenant's name will be put whether he will or not.

It is very remarkable, that in ſo plain a caſe, where neither the general ſpirit of the Company's conſtitution, nor the particular commiſſions to

* The Speaker indeed claims a privilege, when he preſents a ſubſidy at the foot of the Throne, to make remonſtrances to the Sovereign who ſits upon it, not totally agreeable to the ſenſe of the majority of that Aſſembly in which he preſides; but it is not clear he has any right to do ſo; and the impropriety of clogging a benefit with reproaches, muſt ſtrike every one whom Faction has not marked for her own.

† This caſe would be exactly applicable to Lord Pigot's claims, if the Governor of Madraſs had the ſame powers in that ſettlement as the Lord Lieutenant has in Ireland. See Lord Pigot's Narrative, page 7.

individuals gives any room for the Preſident's claim of excluſive authority over his Council, it ſhould notwithſtanding have been ſo often the ſubject of reference to the Court of Directors. This can only be accounted for by that thirſt of dominion and power, which rages in the ſouthern hemiſphere. For the anſwers given from Europe, ſince the Revolution, have uniformly cruſhed theſe Aſiatic ideas of deſpotiſm. The laſt deciſion given on this point, prior to the diſmiſſion of Governor Cartier, was in the year 1702, when even a caſting vote was denied the Preſident. The reaſons aſſigned for that deciſion, muſt, if attended to by the warmeſt of Lord Pigot's advocates, prevent their contending this point any further*. The caſe of Governor Cartier, referred to in the minutes of Mr. Floyer, was the laſt that had occurred when theſe diſputes commenced at Madraſs †. It was more than in point, becauſe that Gentleman did not carry his pretenſions as Governor near ſo far as Lord Pigot, yet he was diſmiſſed for the little he did pretend to; and Mr. Floyer ordered, as a puniſhment for ſupporting him, to go to Madraſs;---from which he is now recalled for doing what he ought to have done at Bengal.

All the arguments made uſe of by Mr. Dalrymple, in ſupport of the Preſident's claim of excluſive power, go upon the neceſſity of his preſence; but admitting that, (which I do not) the conſequence by no means follows which Mr. Dalrymple would aſſume:---That the Governor being preſent is not himſelf bound by the opinion of the majority. So well aware is Mr. Dalrymple of his deficiency on this ground, that he contents himſelf with the aſſertion, without offering a ſingle proof or argument in ſupport of it.

Having diſcuſſed the civil commiſſion, the military one need not take up much time. I apprehend no military commiſſion can be ſo framed as to ſuperſede a civil one; but this one certainly does not, ſince it confines the powers given to Fort St. George; and the inſtructions that draw the line between the Preſident of the Council, Governor of the Fort, and the Commander in Chief of the Company's forces, narrow that power ſmall

* "We do ſtrictly enjoin, that all our affairs be tranſacted in Council, and ordered and managed as the majority of the Council ſhall determine, and not otherwiſe upon any pretence whatſoever; and though we hope you will all be unanimous in the purſuit of our common intereſt, yet, if on any occaſion it happens, that your votes are equally divided, the ſame muſt be determined by lot, *as we by our Charter are directed in ſuch caſes to do.*" See a Minute of Mr. Dalrymple's, vol. i. page 366. The reſt of that Minute contradicts the authority of the order quoted on account of the confuſion between the Old and New India Company's not being incorporated together when this order was given; but both the Charter of King William, 1698, and the indenture of Queen Anne, 1702, as before quoted, agree, that all matters reſpecting the Company and Companies, ſhall be determined by lot, where the managers of their affairs are equally divided in opinion.

† It is obſervable, that if Mr. Floyer had remained at Bengal, he would have had that ſeat in the Supreme Council, which Mr. Barwell now occupies.

as

as it is; the Governor being obliged to give up all command even within this Fort to the Commander in Chief, in time of danger;---ſo that, the Governor of Tilbury Fort might juſt as well claim command over the Privy Council of England, as Lord Pigot over the Council of Madraſs from his commiſſion of Governor of Fort St. George.

Unaccuſtomed and ill qualified as I am to give my ſentiments to the Public, I flatter myſelf no unprejudiced perſon can, after looking over the foregoing arguments, be of opinion, that the authority of the Government of Madraſs was ever veſted in the Preſident alone. To me it appears evident, that it is veſted in the majority of the Council, of which the Preſident is only the firſt, and had not even a caſting vote in caſe of equality, till the act of Parliament appointing a Supreme Council at Bengal, gave it to the Preſident of the Company's other ſettlements, by *implication* *.

To thoſe who agree with me in opinion as to this firſt matter of diſpute, I have now to addreſs myſelf as to the ſecond:---*The neceſſity of ſuſpending and arreſting the Preſident and Governor.*

Notwithſtanding that neceſſity is much eaſier felt than deſcribed, this caſe is ſo very plain, that I think it may be made as demonſtrable to the underſtanding as to the feeling of an Engliſhman.

That reſiſting unlawful authority, is not only juſtifiable but meritorious, I truſt none who acknowledge the preſent Government of Britain will deny. For upon this ground reſts every act of State ſince the Revolution.

If I have ſhown that the power of the Government of Madraſs lay in the majority of the Council, it follows, that whoever endeavoured to wreſt the authority from them, acted illegally and arbitrarily.---That the holding ſuch doctrine only in words, ſhook the foundation of the Company's Government in India; but that the acts of Lord Pigot, founded on this doctrine, entirely ſubverted it. His Lordſhip's own narrative ſhows this to have been the caſe between him and his Council.---That aſſerts in expreſs words, that he had authority to control the Council †. In conſequence, and in ſupport of that doctrine, he, by dint of artifice and violence, did deprive every Member of the majority of the power with

* The act *mentions* the Supreme Council only, not the Council of Madraſs or Bombay; Lord Pigot claims the authority of this act for his having a caſting vote —How then can he deny the application of it to Madraſs in other matters?—The very claim of a caſting vote is an acknowledgment of being bound when the voices are not equal.

† "I inſiſted the name of the Preſident was neceſſary to make an Act of Government. I admitted that the Preſident was generally required to concur with the majority of the Council, for the carrying on the buſineſs of the Company without interruption; but when he thought meaſures tended to the eſſential detriment of the Company, it was not only his right, but his duty to put a negative thereon; which, however, a Preſident would not do but in caſes of neceſſity, as he made himſelf only reſponſible." See Lord Pigot's Narrative, page 7.

which

which the Company had entruſted them.---And moreover, did impriſon, and was proceeding to try one of them for his life, for daring to reſiſt ſuch arbitrary meaſures.

Thus ſituated, in the name of common ſenſe, what was the majority to do?---The ſubmitting to this tyranny was a breach of the truſt repoſed in them by the Company.---The conſequence of that breach of truſt, a war with the Nabob*; whom, to ſay, that the French would not have ſupported, is as ridiculous, as to aſſert, that they are not now underhand aſſiſting America.---Beſides thoſe great national and public points, which made immediate exertion an act of neceſſity, one of the majority was in the utmoſt hazard of falling a ſacrifice to the paſſion and reſentment of Lord Pigot.

Can it be ſuppoſed, or do Lord Pigot or his friends pretend to ſay, that, if at liberty, he would have ſubmitted to the authority of thoſe men, whom he had arbitrarily diſpoſſeſſed of their ſeats at the Council Board. Their right of Government admitted, no doubt can exiſt of its being their *duty* to aſſert it.---How were they (thus ſituated) to do ſo, but by ſeizing the perſon of the tyrant, who had overturned all law and Government.---There was no medium left.---Suppoſing any other Member of the Council than the Preſident had made the ſame claims of power as Lord Pigot---turned out a *majority* that refuſed to acknowledge them, and with a *minority* kept poſſeſſion of the ſeat of Government;---one of two things muſt have been done by the majority:---either they muſt have drove the minority from the Council Room *vi et armis*, or they muſt have arreſted the perſon claiming theſe unconſtitutional powers.---Which was the moſt adviſeable?

If the Preſident has by his commiſſion no more power than any other Member of the Council, ſave what a caſting vote gives, and notwithſtanding makes his will the law, why is he not to be treated in the ſame manner as any other Member?

If the Chancellor was to do ſo in the Houſe of Lords, the Speaker in the Houſe of Commons, the Lords Chief Juſtices in their reſpective Courts, would they not be ſent to the Tower?

It is ſtrange that the blame of thoſe commotions ſhould by any one be thrown on the men, who were only aſſerting the juſt and legal rights, which they could not give up without a breach of truſt to their employers, rather than upon the man who had arbitrarily appropriated all power to himſelf, and thereby laid them under the cruel neceſſity of chooſing the

* The quarrel, as related between the Nabob and Lord Pigot, leave no room to doubt of the former's throwing himſelf into the arms of the French, if the latter had eſtabliſhed the authority he claimed at Madraſs.

leaſt

leaſt of two evils :---*Seizing the perſon of the Preſident, who was deſtroying the Government eſtabliſhed by the Company, and endangering the poſſeſſions of the Britiſh nation*; or, *by ſubmitting to theſe acts while the power of prevention was in their hands, making themſelves anſwerable for the impending ruin of the ſtate.*

An examination of the facts will juſtify theſe reflections.

The firſt appearance of any diſagreement in the Council was upon Lord Pigot's propoſing, that he himſelf ſhould proceed to Tanjore to put the Company's orders into execution: this was the firſt reſolution propoſed to the Council, on the 25th of March, 1776 *, which was carried *unanimouſly*. The ſecond reſolution was oppoſed by Meſſrs. Jourdan and Mackay, and not approved of, without exception, by Sir Robert Fletcher. Whoevet reads the minutes of theſe proceedings, with attention, will quickly perceive, that the manœuvres of this day gave riſe to all the diſturbances that followed. Governor Wynch, and his Council, are ſuppoſed † to have made their fortune by dethroning the Rajah of Tanjore; perhaps Lord Pigot, and his Council, may have taken up a ridiculous idea, that re-eſtabliſhing a Rajah, was as profitable a branch of buſineſs as dethroning one. The ſubſequent tranſactions make ſuch a ſuſpicion but too probable.

The Governor's being one of the Reſtorers, was, of courſe, the firſt reſolution propoſed; and no one in the Council having, at that time, when all was unity and concord, formed the hardy idea of depriving the Preſident of his ſhare of the plunder, it was carried unanimouſly in the affirmative.

The next reſolution that, according to the uſual form, ſhould have followed, was, that a Committee of Council ſhould accompany the Preſident to Tanjore:---but Lord Pigot, not wanting any coadjutors in this buſineſs of reſtoration, in room of the reſolution that the Counſellors expected, propoſed, That the Preſident ſhould take along with him to Tanjore whatſoever ſervants of the Company he choſe, either civil or military.

That part of the Council, who were not in Lord Pigot's ſecret, immediately ſaw they were duped;---they had been content his Lordſhip ſhould have his full ſhare, but did not think it reaſonable that he ſhould have the whole of the plunder.---Thus ſurpriſed, the bold amongſt them oppoſe,---the cautious heſitate,---the timid ſubmit.---Encouraged by this ſucceſs, Lord Pigot ordered his two commiſſions to be read; and, advancing a ſtep farther, he moved the following reſolution:---" That, in virtue of the Commiſſion of Government, the Governor holds the ſame authority when preſent in any fort, factory, or ſettlement under this Preſidency, as he does when preſent in Fort St. George." The Commander in Chief repreſented,

* See Vol. i. of Records, page 68.

† If theſe gentlemen are angry at the ſuppoſition, the proofs ſhall appear in my next.

that ſuch reſolution would infringe upon his authority, for that the Governor of Fort St. George has only power over his own guard. Upon which Lord Pigot propoſed another reſolution, which was likewiſe agreed to:---"That ſuch guard as the Governor thinks neceſſary ſhould attend him wherever he goes."

I defy the records of the India Company to produce two ſuch bare-faced inſtances of diſobedience to their conſtitution and orders. Lord Pigot will not even give himſelf the trouble of covering the contempt he holds his ſuperiors in, by wording the reſolutions againſt them, according to the dictates of common ſenſe.---The commiſſion of Government gives *civil* authority to the Preſident and *Council* over ſoldiers *, as well as others, within the Preſidency of Madraſs.---The commiſſion of Governor of Fort St. George gives *military* authority to the Governor *alone* within the walls of that fort:---therefore, ſays Lord Pigot, and the complaiſant part of his Council,---the commiſſion of civil authority to me, and *others*, gives me *alone* the ſame military authority *elſewhere*, as the military commiſſion gives me in Fort St. George, and *no where elſe*.---Had the Company's laſt inſtructions reſpecting the powers of the Governor and Commander in Chief been referred to, they would have ſhewn, that, in times of danger, the Governor of the Fort was to reſign all military authority to the Commander in Chief:---ſo that, if Lord Pigot had a ſpecial commiſſion as Governor of Tanjore, as well as Fort St. George, he ſtill could have had no military command in that place during ſuch a convulſion as dethroning a Nabob, and reſtoring a Rajah, muſt probably occaſion, *except over his own guard*.---Though Lord Pigot did not chuſe to appeal to the whole of theſe inſtructions, I muſt ſuppoſe he had theſe words in his mind, when he propoſed the laſt reſolution, which, in fact, made his Lordſhip Commander in Chief, inſtead of Sir Robert Fletcher.---That he conſidered it in this light, and ſaw the full conſequence of it, is pretty evident from the orders he iſſued at Tanjore †. When a man of abilities aims at overturning the eſtabliſhed government of a country, he always begins by ſecuring his authority over the army.---It was abſolutely neceſſary for Lord Pigot to do ſo, before he proceeded to effect at Tanjore, what he knew muſt occaſion ſo great diſturbances amongſt all the Company's ſervants, and thereby make it impoſſible for him to complete his purpoſe, without taking all civil authority from the Council.

Before I have done with theſe reſolutions of the 25th of March, I muſt beg leave to ſay a word or two on the conduct of Sir Robert Fletcher.---I am not acquainted with the gentleman,---and was the more ſurpriſed at his

* "Full power and authority from time to time to rule and govern all and every our factors and ſervants under the ſaid Preſidency, and all the *ſoldiers* and inhabitants of our ſaid Fort St. George and City of Madraſs-patnam, and elſewhere, within the places aforeſaid."

† Vol. i. page 111,—12. Vol. iii. from page 431 to page 445.

moderation,

moderation, from the character I had heard given of him;---abſurd and violent were the leaſt offenſive epithets, I had been accuſtomed to hear joined to his name.

I preſume it will be admitted, that there are ſome great lines of the Company's conſtitution, which the Preſident and Council cannot overturn.---If there are any ſuch, that which lodges civil and military authority in different hands muſt be one.

The counteracting this conſtitutional principle, and veſting the Governor with all military and civil power, was more than the Council had authority to do, conſequently arbitrary and illegal; and Sir Robert would have been perfectly juſtifiable, if he had refuſed to obey them. I think his acquieſence improper; but, ſurely, not of that kind of impropriety, which can be called abſurd or violent.

Thoſe who have attempted to ſupport Lord Pigot's claims over his Council, and to reprobate the arreſt of his Lordſhip's perſon, have affectedly gone into the diſputes of the Nabob of Arcot and Rajah of Tanjore.---That the conteſt between thoſe Princes gave riſe to the diviſions of the Council:---That it was in the diſcuſſion of theſe affairs, as well as others, that the queſtion of *right* aroſe between the Preſident and the majority of the Council, is a fact neither party has any occaſion to deny.

But I have before premiſed, it was not the *origin* of the diſputes, but *the right* itſelf, that was to be the ſubject of my inveſtigation.

I ſhall not, therefore, enter into the diſcuſſion of Mr. Benfield's claims *; but muſt aſſert, they were of ſuch a nature, as required a thorough examination, before giving to the Rajah a property that Gentleman claimed right over, and was actually in poſſeſſion of †.

I believe no Engliſh Governor but Lord Pigot ever diſpoſſeſſed his countryman of effects he claimed a right to, without examination.

Lord Pigot had told Mr. Benfield before he went to Tanjore, he could have no wiſh or deſire to deliver over the property of his fellow-ſubject to a Gentoo or Pagan ‡.---And that his Lordſhip ſhould do ſo a few days afterwards, without even entering into the nature of Mr. Benfield's claims, muſt be owing to ſome very *extraordinary cauſe* indeed. It is ſo contrary to the idea every Engliſhman has of the juſtice and protection due by thoſe

* Not becauſe I am afraid of meeting any body upon that ground, for I never was clearer in a point in my life, but becauſe it is extraneous to my ſubject. The friends of Lord Pigot want to draw off the attention of the public from the real grounds of the cauſe to the collateral branches; but it is the buſineſs of an impartial examiner to throw aſide every thing but the real objects of enquiry; and theſe are the *controlling powers* claimed by the Preſident,—and the *neceſſity of arreſting* his perſon.

† See Mr. Benfield's Letter, Vol. i. page 111.

‡ See Ditto's ditto uncontradicted, Vol. i. page 198.

in

in power to thoſe they have authority over, that I am not ſurprized Mr. Benfield ſhould have formed ſuſpicions, that the property he was diſpoſſeſſed of by Lord Pigot, without *being heard*, would not remain long in the hands of the Rajah of Tanjore. It is impoſſible for any one to caſt their eyes over the dates of theſe tranſactions, and not to have ſuſpicions of the ſame nature.

March the 25th. Lord Pigot got the Council to delegate all power to himſelf alone for finiſhing the buſineſs of Tanjore; and upon repreſentation of Mr. Benfield's right and poſſeſſion of the grain of that country, makes the ſpeech before-mentioned.

April the 8th. Lord Pigot arrived at Tanjore.

April the 12th. The Rajah made an offer of ſelling to the Company the grain which Mr. Benfield claimed.

April the 13th. Lord Pigot adviſed the Council to accept of the Rajah's offer:---inſtead of examining Mr. Benfield's claims, as at Madraſs his Lordſhip had promiſed to do, referred him back to the Council by a letter, in which he inſinuates he will exert all the authority of Government againſt him if he inſiſts on his right *.

April the 17th. The Council received Lord Pigot's advice to purchaſe the grain of Tanjore from the Rajah, as well as Mr. Benfield's aſſertions of its being his property.

April the 24th. The Council impowered Lord Pigot to make the purchaſe from the Rajah.

May the 2d. The Company's ſeapoys took the crop and grain away from Mr. Benfield's ſervants, and delivered it over to the Rajah †.

Lord Pigot's warmeſt kinſmen cannot pretend to ſay, theſe dates put together, do not throw an ugly appearance of intereſted motives over the whole tranſaction. But if it ſhall come out in addition, that Colonel Stuart was Mr. Benfield's friend; that Mr. Ruſſell was to marry Lord Pigot's daughter; that his Lordſhip refuſed to let the former go as Commandant, if the latter was not permitted to go as Preſident to Tanjore; and that it was to carry this favourite point, he overturned the conſtitution, and riſked the very exiſtence of the ſettlement.---What concluſion will a jury draw from ſuch a ſtring of circumſtances?---Would not twelve impartial men be tempted to think theſe were the latent reaſons for an obſtinacy that had no apparent

* Vol. i. page 108. See Lord Pigot's Reply to Mr. Benfield, wherein he affects, for the firſt time, to conſider his Chair of property as a matter of State, and quotes an order of the Company's, that none of their ſervants ſhould interfere with the Rajah's Government. I have before explained that the Princes of Indoſtan have the property, as well as ſovereignty, of their dominions. Lord Pigot would inſiſt, from the beginning to the end of theſe matters, that the one cannot be ſeparated from the other.—A propoſition that confutes itſelf.

† Vol. i. from page 106 to 110, from 121 to 125, from 160 to 177—198.

cauſe?

cauſe ?---Will it be neceſſary for Mr. Benfield to produce much poſitive, in addition to the circumſtantial evidence, for proof of Lord Pigot's being to receive from the Rajah of Tanjore the money paid, according to his Lordſhip's advice, by the India Company, for the grain which the Company's troops, per order of Lord Pigot, forced from the hands of Mr. Benfield's ſervants ?---Will the known character * of Lord Pigot protect him from the damages a jury will, upon proof, give the public and the injured party ?

The arbitary and inhuman puniſhment † inflicted on Comeroo (which Mr. Dalrymple calls a conciſe method of ſtopping improper negotiations) was probably not ſo much owing to his congratulating the Rajah, as to his being employed by Mr. Benfield, who was upon no account to have communication in that Court.

When Mr. Floyer arrived with the Company's orders to proceed as Chief to Maſſulipatam as ſoon as Mr. Whitehill ſhould leave it, Lord Pigot, hopeful of his ſupport in the matter he had moſt at heart, prevented his leaving the Preſidency, under various pretences. But when his Lordſhip found himſelf diſappointed, his paſſion got the better of him, and he threatened Mr. Floyer with his diſpleaſure, in the moſt unprecedented and indecent manner ‡.

Lord Pigot, however, before proceeding to violence againſt Meſſrs. Stratton and Brooke, attempted to gain Mr. Floyer over to his party, by propoſing that he ſhould have leave to proceed to his Chiefſhip §.---Had this ſucceeded, there would have been no occaſion for ſuſpending the two Gentlemen before-mentioned; for Mr. Floyer gained, and Mr. Lathom brought up from Cuddabore, the Preſident's caſting vote would have carried Mr. Ruſſell's proceeding to Tanjore; or any other motion his Lordſhip had at heart. It is therefore a very unjuſt reflection on Lord Pigot's abilities, to ſay as ſome of his enemies have done, that he proceeded to violence before trying thoſe arts which are ſuppoſed to be

* See his Lordſhip's Anſwer to Mr. Benfield's charge.

† What would a MANNERS ſay on being flogged in St. James's Park by an Officer of the Moguls, becauſe he had attended the King's levee to congratulate him on his reſtoration to Hanover, which the Emperor had ſeized hold of?

‡ This Gentleman had been Lord Pigot's Aid de Camp during the ſiege of Madraſs, in the laſt war; and out of reſpect to his Lordſhip, would not ſuffer the matter related in Mr. Brookes's letter (vol. iii. page 1.) to be marked in the fair copy of the Minutes; but the foul one is ſtill extant, and it is hoped, that thoſe Gentlemen of the Houſe of Commons who called out for proof when this ſtory was mentioned there, will accept of the rough draught as ſuch, the next ſeſſions.

§ Vol. iii. page 407. This Chiefſhip is reckoned the moſt profitable employment, after the Government.

equally ſucceſsful in every quarter of the globe, except America *. Though his Lordſhip was reſolved to carry his point at any rate, he knew the world too well to make uſe of violence, before he tried the effect of corruption †.

As to the two laſt acts of the Reſident and minority, whom Lord Pigot, Comus like, turned into a majority, they ſpeak ſo plainly for themſelves, it would ſcarce be worth while to make any obſervations upon them, if Governor Johnſton had not taken his ground on the point of neceſſity.---That Gentleman, who, whatſoever ſide of a queſtion he takes, is always a fair and candid reaſoner, acknowledges, that Lord Pigot is not founded in his claims of pre-eminence over the Council, but inſiſts the majority are not juſtifiable in the ſuſpenſion and arreſt of his Lordſhip.

He ſays, that the form of all orders of Government in India run in the name of Preſident and Council.---That, therefore, the majority had no right to give the Secretary directions to ſign a letter *per order of Council* alone,---though he acknowledges their right of directing the Secretary to put in the Preſident's name without his ſanction.

The majority were not ſo wrong, in point of form, as Mr. Johnſton thinks. It was the *direction* to the Secretary, not the *actual orders* to Colonel Harper, which Meſſrs. Stratton and Brooke had ſigned when Lord Pigot thought proper to charge them with an act ſubverſive of Government. Had the matter proceeded, the Secretary would have explained this point of form, and if he did not, it was the Preſident's duty to do ſo.

When a man of Governor Johnſton's abilities, in a great queſtion of right, lays hold of a doubtful error of form to attack thoſe whom I ſupport, I feel they cannot be upon very bad grounds, and am encouraged to proceed in the examination of Lord Pigot's conduct in that matter.

The ſuſpenſion of Meſſrs. Stratton and Brooke was illegal and null on any of the five different grounds that follow:

1ſt. A queſtion of adjournment was moved and ſeconded, conſequently ought to have been put before the queſtion of ſuſpenſion.

* Perhaps thoſe arts might have turned out equally efficacious there likewiſe; but the Miniſtry were too virtuous to try the experiment; and choſe the horrors of war, as a leſſer evil than the cravings of additional dependants. I am well aſſured, that the laſt time Dr. Franklin was in England, afraid of the misfortunes he ſaw ready to ſwallow up his country, whichſoever ſide was victorious, he offered to retire to Switzerland for life, on a penſion of £.600 per annum; which either the reſentment, or the œconomy of the Miniſter prevented him from liſtening to.—The prudence of his Majeſty's ſervants is much to be commended.—Had they bribed America into peace, a greater number of mouths would have been opened to ſwallow the ſame quantity of victuals; whereas the war they have through policy engaged the nation in, gives them more victuals to diſpoſe of, and takes off from the number of mouths that craved before the commencement *of hoſtilities*.

† Or Meſſrs. Sykes and Rous would not have been ſo violent in his Lordſhip's ſupport.

2d. The

2d. The queſtion was double, being put on Meſſrs. Stratton and Brooke at the ſame time.

3d. Lord Pigot ordered the Secretary by his own authority as Preſident, without conſulting the Council, not to take the vote either of Mr. Brooke, or of Mr. Stratton.

4th. Lord Pigot, being *perſonally* the accuſer, had no more right to vote, than the perſon he accuſed.

5th. The Preſident has not a caſting vote in the ſuſpenſion of a Member of the Board.

The three firſt grounds of the nullity of the ſuſpenſions juſt ſtated, need no argument in their ſupport. In regard to the fourth, I need only obſerve, that the anſwer given to it, that the Preſident's being ex officio, the public accuſer does not apply to a caſe concerning his own powers, ſuppoſing it does to any other. In regard to the fifth, I muſt obſerve, that the only authority the Preſident has to claim for a caſting vote in any caſe, is derived from the act appointing a Supreme Council, which does not extend that right to the caſe in queſtion. Leſſer powers may be applied in the grant of greater ones, but greater ones can never be derived from the grant of leſſer ones; and the act quoted, only gives the Preſident a caſting vote in the management of the Company's affairs, which can never be conſtrued to extend to the power of depriving a Member of Government of his ſhare in the adminiſtration.

Both the matter and form of this day's tranſactions condemn Lord Pigot; but circumſtances ſtill more than either.

The caution, and proper fear of extremities which the majority had ſhown the three preceding days, gave Lord Pigot time for reflection; and the uſe he made of it was to lay a plot for over-reaching the oppoſers of his arbitrary maxims. It was his art that brought about the ſigning of the directions to the Secretary, *per order of Council.* He was prepared for it, and had reſolved and concerted to get hold of the order, as ſoon as ſigned by two of the majority. I ſhall not enter into the diſpute of whether he ſnatched the directions from Mr. Brooke, or whether he ſtretched out his arms deſiring a peruſal of them. If done in the former mode, it was violent; if in the latter, treacherous; in either, ridiculous. Upon the whole, every man of common ſenſe, who reads the minutes of this day's proceedings, muſt agree with Mr. Mackay, that it was one of the moſt arbitrary tranſactions ever known, even in India, and ſolely intended to get rid of the votes of two Gentlemen in Council, who were of different opinions to the Preſident.

I ſhould think nobody can deny that any right that was in a majority of the Council *before,* remained in them *after* this very ſcandalous tranſaction; which, if it had not occurred in a matter of ſuch high importance and magnitude

nitude, as might have coſt the lives of many thouſand men, I ſhould have thought it to have proceeded from the ſhallow artifice of ſome mean attorney, who attempted to impoſe upon the Court with the moſt ridiculous trick that ever was practiſed by the dirtieſt of his tribe.

If the right of Government was in the majority, it was their duty to promulgate it, Lord Pigot's to ſubmit.---Inſtead of which he turned them out of the Council, and ordered the Commander in Chief to be tried for his life by a *Military* Court, becauſe he had aſſerted the right of a majority of Council in his *civil* capacity of Counſellor.

Whenever I have the misfortune to differ from Governor Johnſton in opinion, I ſpeak with the ſame deference to his underſtanding, as I obſerve with ſurpriſe at his modeſty, he does to the abilities of Meſſrs. Thurlow and Dunning.---The point of neceſſity I apprehend to be proven; but if Mr. Johnſton remains of a contrary opinion, I beg leave to propoſe the following queſtion for his ſolution:

1ſt. If the authority of Government is veſted in a majority of Council, and not in the Preſident alone---has not the majority a better right of ſuſpending the Preſident---than the Preſident has of ſuſpending the majority?

2d. If the Preſident, inſtead of ſubmitting to the voices of a majority, attempts turning them out of the Seat of Government---by what other means can the majority keep poſſeſſion of their right, than by ſeizing the perſon of the Preſident?

3d. When matters of Government come to ſuch extremity---which party is to bear the blame of the conſequences---the one who has, or the one who has not a legal right to Government?

As Lord Pigot ſeems totally to have diſregarded the ſuperintending juriſdiction of the Council of India, I am not ſurpriſed that his Lordſhip ſhould fix the term of the ſuſpenſions he iſſued againſt his opponents to be till the pleaſure of the *Company* was known; but I am at a loſs to account for the majority's not giving a different period to the ſuſpenſions of the minority.---

They ſubmitted Lord Pigot's arreſt to the deciſion of the *Supreme Council*; why did they not do the ſame as to the puniſhment inflicted on his abettors?---If they had been as much in the wrong as they were in the right, as to the power claimed over them by the Preſident, their offering to ſubmit the deciſion of their right to the Supreme Council would have been ſufficient excuſe for the extremities they were forced into by by Lord Pigot's not permitting them to do ſo*.---His Lordſhip's propoſing to let the matter reſt till the pleaſure of the Company was known, was deſiring them, in other words, to conſent to his keeping poſſeſſion of the power he

* Vol. i. page 338.

had

had assumed for a twelvemonth longer. The decision of the Supreme Council of India might have returned from Bengal in a month or six weeks.

The Council of Bombay should have attended to their being subordinate to the Council of India, before they gave an opinion on the temporary right of Mr. Stratton to the Government of Madras. If their precipitation should be attended with any bad consequences, they must be answerable for them to the Company.

Lord North has said in the House of Commons, that the suspending of the minority at all, was the act of the majority he most disapproved of; but I cannot agree with his Lordship, in condemning a suspension for a short time. It might not be, strictly speaking, *legal*, but it was most absolutely *necessary*, that these Gentlemen should have their hands tied till the ferment subsided.

The friends of Lord Pigot, on this side the water, have echoed his Lordship's complaints on the mode made use of to lay hold of his person, and the danger his life has been in since his confinement.

Had either the Council or Colonel Stuart been thirsty of his Lordship's blood, the time of his arrest would have been chosen for his death. A thousand accidents might at that moment have excused, nor arguments have been wanting to justify, so fatal an effect of the necessity Lord Pigot had laid Government under, of putting a stop to his usurpation of authority. But so far were any such intentions from the thoughts of his Lordship's opponents, that great care and circumspection were made use of to arrest him at a time, when there was not a possibility for resistance to give pretence for shedding the blood of his Lordship, his friends or his servants. The return made on the part of Lord Pigot for the humanity of their conduct, is to load the Gentlemen of the majority with an attempt of assassination and poison; and to accuse Colonel Stuart of perfidy in the mode, and brutality in the execution of the arrest.

The arts made use of by Lord Pigot's friends to interest the military in his favour, and by their means to reinstate his Lordship in the Government, obliged Messrs. Stratton, &c. to threaten that his life must answer for any attempts made to rescue him, if likely to succeed.---This threat answered its intent.---The designs on foot were stopped, and no attempt actually made *. It was therefore a very wise and merciful method of preventing any disturbances, which, once begun, would probably have cost the lives of several thousand men.

If the majority are reprehensible for their conduct towards their late Governor, during his confinement, it is neither for their rigour nor their barbarity, but for their lenity.

* See vol. i. page 407, 460.

The ſucceſſes of Lord Pigot's former adminiſtration, the character he had acquired therefrom, the honours conferred upon him in conſequence by his late Majeſty, his return to India by the voice of the Proprietors, in oppoſition to the wiſhes of the ſervants of his preſent Majeſty, all contributed to buoy up his mind in public life, to exalt his ideas of prerogative, to make him impatient of the controul of his equals, high and mighty in the command of his inferiors.---But every body who has ſeen his Lordſhip here, know that in private life, he is eaſy and complaiſant with his equals, affable and popular with his inferiors.

It was very imprudent in Meſſrs. Stratton, &c. to allow every body to ſee, and paſs their ſocial hours at the table of a man of his Lordſhip's diſpoſition. The affability and popularity of his manners produced the effect they naturally ſhould. Pity at his fall which is preſent, has ſuperſeded the reſentment of his tyranny which is paſt.

The tears of Mark Anthony coſt Rome her liberty; and the blood of her nobleſt citizens was offered by this convivial tyrant as a ſacrifice to the manes of Cæſar. Though I abhor the policy of Caſſius, that would have put Mark Anthony to death, I cannot approve of the lenity of Brutus, who allowed him to excite the pity of the people.

Lord Pigot and his friends were ſo far from thinking his opponents had any deſire of putting his Lordſhip to death, that they beſtowed the moſt opprobrious names upon the Officers in whoſe power he was, ſent, as they alledge, on purpoſe to put it in execution. But the threat made uſe of by Government to prevent a reſcue, gave a good handle to form a plot upon, that might deceive and intereſt the bulk of their countrymen at home; a ſtory was trumped up, that an Engliſh Aid de Camp of the Nabob's ſon had been employed to poiſon Lord Pigot. This man made affidavit of his maſter's having frequently deſired him to murder his Lordſhip; and particularly, that about *three months before*, he had ordered him to concert a method of doing it by poiſon, with a black man acquainted with his purpoſe. It appears by the oath itſelf, that this intention of murder (the execution of which was entruſted to others as well as the informer) had been concealed by him for three months; and it came out upon examination, that this Aid de Camp had been diſmiſſed the Nabob's ſervice with ignominy and contempt, juſt before he made the affidavit.---That he was to get a conſiderable ſum of money, *by way of loan*, from Mr. Monckton, Lord Pigot's ſon-in-law, and recommendations for preferment to the India Company from his Lordſhip himſelf. Reſentment of injuries received, and hopes of benefit to come, are powerful incitements for voluntary affidavit-makers.

It gives me pain to obſerve what lengths people may be carried by the heat of paſſion.---Lord Pigot made a charge of his intended aſſaſſination againſt

againſt the Nabob's ſon.---Mr. Dalrymple, without actually ſaying ſo, inſinuates, that the Members of the Council knew of it. The informer was recommended by Lord Pigot to the India Company; did receive the money he expected from Mr. Monckton, and that he might be at hand to ſupport his evidence here, through their means, obtained a paſſage to England.

All this has been proved and laid before the public ſince the firſt General Court called upon theſe matters, where the words and tears of Admiral Pigot affected every body.---They did me as much as others; and having no account of theſe ſtrange tranſactions but ſuch as Mr. Dalrymple had been pleaſed to ſend, I ſhould, like the Admiral, have been under ſome apprehenſions for Lord Pigot's life, if I had not been acquainted with the Gentlemen of the Council and Colonel Stuart; knowing them as I did, I was not much alarmed.---They muſt not only have been aſſaſſins, but fools. ---Every body that conſiders the tranſaction, the ſituation of life of thoſe who confined Lord Pigot, muſt immediately ſee that his Lordſhip's death, natural or violent, while under ſuch confinement, would have been the greateſt misfortune that could befall his enemies; for if they did not prove to the ſatisfaction of every one, that they had no hand in it, (which it was ſcarce poſſible they ſhould) none of them could ever return to this country, nor indeed to any part of Europe.

If Lord Pigot has a mind to be fully revenged of them all, he may, by a ſtroke of heroiſm, worthy the violence of his diſpoſition, follow Lord Eſſex's example, and effectually ruin every one of his enemies.

Though I ſaw the matter in this light, I was not at all ſurpriſed at the alarms of a brother, who, I then ſuppoſed, had grounded his fears upon the accounts of a man he thought could be depended upon, and upon the poſitive affidavit of one who had formerly been an officer in the army. But what will be ſaid, if it ſhall come out, that at the very time Admiral Pigot produced the teſtimony of this fellow, as a proof of his brother's danger, he had ſeen all the papers, that evinced the purport of his perjury.---I have no proof that he had ſeen them, and it gives me pain to ſuppoſe it, but I know ſome of his friends had; and it is difficult to conceive they were not immediately ſhown to him: however, I ſhall be convinced that he had not, if he ſays ſo:---Lord Pigot certainly knew every thing that paſſed on the ſubject; yet he ſent over this man, convicted of perjury, to raiſe a cry of pity in his favour, which few people who beg it, deſerve. Mr. Dalrymple too, who, not content with endeavouring to vindicate this wretch's character, would *inſinuate*, that the Council were capable of abetting a murder planned by the Nabob's ſon; he muſt have been ſenſible his inſinuation was founded upon perjury.---The murdering the fame and character of men, is, in my mind, ten times worſe than taking away their lives; and he that holds others

out

out to the world as murderers, upon evidence that he knows to be perjured, is guilty of a crime which I might be warranted to call as bad as perjury itſelf; but the friend of that *villain*, Colonel Stuart, leaves Mr. Dalrymple to his own feelings on this occaſion.---If he has any, it will probably revenge my friend's quarrel, better than his ſword or his ſtick, either of which he will ſcorn to uſe againſt *him*.

In the laſt General Court, Mr. Randall's name (notwithſtanding the liſt of Gentlemen he was at the trouble of publiſhing, as having had the honour of dining with them, before his character was infamous) was not ſo much as mentioned; and it is well known a Gentleman now in London, has a letter from Mr. Monckton, Lord Pigot's ſon-in-law, that mentions his being on the very beſt terms with the Nabob's ſon, ſince the abſurd and infamous accuſation of his employing people to poiſon Lord Pigot.---But ſtill the Admiral returns to the charge;---his brother's life is no longer in danger;---not becauſe the Council and the Nabob do not wiſh to aſſaſſinate him, but becauſe his guard have been converted from his jailors, into his protectors. The Council ſent orders to remove him at midnight, and refuſed to ſay where they were going to carry him.---It was not to Chingleput, as now alledged, but to Gingee.---Of this the Admiral pledges himſelf to produce proof, *viva voce* evidence, to the General Court;---and makes bitter reproaches on the Directors, for their not having called this evidence, Major Wood, before them.---I ſhall ſtate this poſitive proof of the murdering purpoſe of the Council and Nabob, juſt as Admiral Pigot did to the General Court.

A worthy honeſt ſerjeant of Seapoys writes word, that ſome foul and tremendous plot againſt the life of his Lord and Governor muſt be going on, becauſe—a regiment of the Nabob's horſe was on its march to Gingee, and a month's proviſions was ſent there—no preparations were made at Chingleput for the reception of Lord Pigot—the poiſoning ſon of the Nabob went frequently with Mr. Benfield to the Council room.——In ſupport of the firſt aſſertion, relating to the regiment of horſe, and the proviſions, the ſerjeant's letter is referred to.—In ſupport of the two laſt aſſertions, Major Wood gave his evidence.—He informed the Court he had been town major of Madraſs, and ought officially to have known if any orders were ſent to Chingleput—that no orders had gone through him, for the reception of Lord Pigot's perſon at that place—that, upon his word and honour, he had, ſince the revolution, frequently ſeen the Nabob's ſon in Mr. Benfield's chaiſe, which uſed to ſtop at the fort, and they go up ſtairs arm in arm together—That Lord Pigot, whoſe aid-de-camp he was, is the beſt natured, gentleſt, mildeſt man in the world, Sir Robert Fletcher the ſtrangeſt, and he himſelf the Court's moſt obedient humble ſervant.

Really

Really if the Court of Directors knew before-hand how very material this gentleman's evidence was to turn out, they cannot be blamed enough for not having examined him over and over again.

What is the conſequence to be deduced, according to Admiral Pigot, from the major's evidence, and the ſerjeant's letter?---The orders for Lord Pigot's reception at Chingleput, not going through the major, prove that no orders at all were ſent to that place; and the ſerjeant's regiment and proviſions prove his Lordſhip was to be ſent to Gingee.---This farce of evidence and concluſion over, Colonel Capper was called upon, with an air of triumph, to refute them.---That gentleman obſerved, in anſwer, ---that midnight is the moſt convenient time for travelling in that part of the world---that Lord Pigot and his friends had been tampering with part of the garriſon at the Mount, to releaſe him from his arreſt, and reſtore him to the Government, which made it neceſſary for the Council to remove his Lordſhip to a greater diſtance---that Chingleput was held to be the moſt convenient and healthy ſpot that could be fixed upon---that Major Cooke being at Madraſs, orders were given to himſelf to go and take the command at Chingleput, and prepare every thing for the reception of Lord Pigot; and that gentleman acquainted them of his arrival at Chingleput the next day, which may be ſeen in the Minutes of the Council, publiſhed by order of the Directors---that the Nabob had a right to ſend his own regiments where he pleaſed; that they muſt have proviſions where-ever they went; but that it did not ſtrike him any inference could be drawn of the Council's having any intention to ſend Lord Pigot to Gingee, from a regiment of the Nabob's horſe, and the proviſions neceſſary for its conſumption, having been ſent by his Highneſs to that place.

I never was more ſenſible of the effect of manner than on this occaſion. I believe every body muſt acknowledge, that the charge, evidence, and concluſion, are as weak, abſurd, and ridiculous, as poſſible; and the anſwer pretty much to the purpoſe. Yet the roars of applauſe given to the Admiral were near tearing the houſe down, while the poor Colonel was almoſt hiſſed out of it.---But, laying aſide joke and ridicule, for the ſubject is too ſerious to be treated in that manner, let me aſk Admiral Pigot, whether it was either fair or honourable, to hold out to the world ſeven Counſellors of Madraſs, Colonel Stuart, Colonel Edington, and Captain Lyſaght, as murderers, upon ſuch evidence as this? I am ſure, in his cooler moments, he muſt think that his zeal carried him farther than is to be juſtified, or even excuſed, by the obligation he owes to one of the beſt of brothers.--- Ridiculous as it appears to ſay ſo, I have ſome reaſon for thinking he had perſuaded himſelf this reaſoning was good: I hope he had, otherwiſe, to ſpeak no worſe of it, he is quite inexcuſable.

Having wiped off the heavy imputation of murder from the heads of my friends, I leave to thoſe of Lord Pigot the taſk of exculpating his Lordſhip from the charge produced againſt him, of wantonly and wickedly attempting to load his adverſaries with a crime they were, to his own knowledge, innocent of; but of which his Lordſhip was profeſſedly and avowedly, guilty---I mean, of attempting to commit murder---the worſt of murders ---that ſpecies of it, which, while the exertion of arbitrary power takes away from the accuſed all power of defending himſelf, preſerves the outward appearance of law and form, and clothes aſſaſſination with the robes of juſtice.

I know the cry and declamation that may be made uſe of, at my calling the ordering Sir Robert Fletcher to be tried for mutiny—an attempt to murder him. But let us examine the fact:

The Governor, having quarrelled with the Nabob, inſiſts upon the Council taking ſuch meaſures as muſt drive that Prince to deſpair, and plunge the Carnatic in a war.---The Council refuſe to adopt thoſe meaſures---the Governor, with a view of obtaining a majority in Council to adopt them, by half trick, half force, without any previous notice, turns two of the members out of Council.—By this manœuvre, four would have become a greater number than ſeven; but the ſeven refuſe to ſubmit to ſuch illegal and abſurd legerdemain.---Upon which the Governor, by virtue of his *prerogative*, and the authority of his packed minority of Council, diſmiſſed the majority of that body:---of this majority Sir Robert Fletcher was one:--- Lord Pigot called his reſiſting this tyrannic overthrow of Government mutiny, and ordered him to be tried for his life by a court-martial.

Allow me to ſhift the ſcene from the Carnatic to England;---from Madraſs to London.---For a moment let me ſuppoſe an impoſſibility---that General Conway ſhould convert a majority of the Houſe of Commons to his way of thinking reſpecting America, and that the King and his Miniſters, by a happy conjunction of fraud and violence, ſhould turn juſt as many Members out of the houſe as might render their minority a majority, and afterwards not only expell the whole majority for not ſubmitting to this illegal authority, but likewiſe order General Conway to be tried by a court-martial, as having been guilty of mutiny and rebellion.

The caſes are exactly ſimilar, and I ſhould hope thoſe patrons of liberty, Lord Rockingham and Governor Johnſton, &c. would not think it right to leave their friend within the reach of the ſentence of a court-martial.--- I would ſtake my life they would be the firſt to propoſe ſome vigorous meaſure that might prevent the poſſibility of a hair of his head being touched; and, was it poſſible ſuch things could happen here, I ſhould think myſelf too happy in being one of thoſe who was permitted to join them, in aſſerting the glorious right of all brave men to---LIBERTY or DEATH!

Myſelf

Myſelf a ſoldier, it would ill become me to throw out hints againſt my profeſſion; but in all places, in all ſituations of life, human nature is ſtill the ſame. No profeſſion contains more honourable men than the ſoldiers; but thirſt of advancement muſt be the predominant paſſion in all armies; and as ſome bad men will obtrude themſelves every where, I am afraid there are officers, who, if they can but obtain preferment, care not much by what means.

If it is conſidered, that after ſeizing the reins of Government, it lay in Lord Pigot's power to name what officers ſhould compoſe the Court, that were to ſit in judgment on Sir Robert Fletcher's life, and that the martial law admits no challanges of any part of the jury, nothing more need be ſaid to point out the iniquity of trying civil crimes by a Military Court; it gives ground to ſuſpect the worſt intentions, without any thing farther; but the concurrent circumſtances in Sir Robert Fletcher's caſe, leave little room to doubt of Lord Pigot's intending to take away his life *.

Colonel Stuart is accuſed of having executed the orders of the Council with perfidy and brutality; he is repreſented as having, under the maſk of friendſhip, and profeſſion of obedience, entrapped Lord Pigot into confinement.---Corrupt views on the Tanjore country are the cauſes aſſigned for this conduct.

To evince the falſity of theſe allegations againſt him, I require no other evidence than Lord Pigot's and Mr. Dalrymple's letters †.---They will ſhow, that Colonel Stuart was ſo far from profeſſing friendſhip to his Lordſhip, that he was an open, manly, and declared enemy to him, and his arbitrary meaſures; and I am ſure, that his ‡ letter requiring a ſight of the proceedings of that minority, which offered him the greateſt bribe in their power, to tempt him from his duty, did not expreſs either friendſhip to Lord Pigot, or obedience to the authority he had uſurped over the Council. It was ſo far from doing ſo, or even conveying any ſuch idea, that a wiſe man would have been afraid of truſting him, after the receipt of it, even if he had before profeſſed as much friendſhip as it is acknow-

* Lord Pigot, after his arreſt, uſed all the means in his power to prevent Sir Robert Fletcher's returning to Europe, which was the only chance he had left for his life; it being certain he could not live a month longer at Madraſs, and much more than probable he dies in his paſſage home. This is only one of many circumſtances that mark Lord Pigot's hatred of Sir Robert Fletcher.

† In page 6th of his Lordſhip's Narrative, he writes, It was neceſſary to ſend Mr. Ruſſell to Tanjore, becauſe the majority inſiſted upon ſending Colonel Stuart there, "who was known to be intimately connected with thoſe perſons who had uniformly oppoſed my meaſures concerning Tanjore, and with others, at leaſt ſuſpected by the Rajah, to have been inſtrumental in bringing upon him all the diſtreſſes he had ſuffered."

Mr. Dalrymple writes much to the ſame purpoſe, and both allude to a matter that paſſed three days before the event of Lord Pigot.

‡ Vol. i. page 417.

ledged

ledged he did the reverſe. How then can Lord Pigot, or his friends, dare to apply to him the illiberal terms of diſhonour, villainy, and perfidy? I will explaint it. When arguments are wanting, recourſe is ever had to abuſe; but it is ſo far from affecting thoſe it is levelled againſt, that it overwhelms thoſe who make uſe of it with the ſame ſhame and confuſion they would heap upon their enemies.

If Lord Pigot, miſtaking Colonel Stuart's character, thought to bribe him over from his former avowed ſentiments, by giving him the command of the army, and notwithſtanding the remonſtrances of his own friends, put himſelf into Colonel Stuart's power *, who never made any profeſſions or aſſurances to him, or his faction. Was Colonel Stuart to blame for making uſe of the opportunity? Or ſhould he, like a hero of Romance, have ſaid to Lord Pigot, You are a tyrant, it is true, but I will not get the better of you without your enchanted caſtle; get back to Fort George; I will beſiege you there; and make my victory more conſpicuous in the eyes of the eaſt, by ſacrificing three or four thouſand men, the worſt of whom may, for aught I know, be more worth than either you or me. Even Amadis de Gaul would have laughed at the idea, and I cannot conceive, that at this day any would have approved of it, ſave France and America.

I believe the utmoſt the moſt rigid moraliſt ever aſked of men was, that he ſhould not deceive; I never heard it alledged, that if our enemies deceived themſelves, it was not lawful to take advantage of their doing ſo. Whoever examines the conduct of thoſe opponents by this rule, will ſee that it was the *folly* of Lord Pigot, not the perfidy of Colonel Stuart, which occaſioned the mode of his Lordſhip's arreſt.

The charge of brutality in the execution of the arreſt is almoſt too trifling to require an anſwer---What does it amount to?---That, inſtead of making a parcel of bows and unmeaning apologies for doing Lord Pigot the greateſt injury in his power, Colonel Stuart took hold of his Lordſhip's arm, and ſaid, Get out---Get out, Sir.---In what does the brutality conſiſt? In his ſaying, Get out, *Sir*, inſtead of, Get out, *my Lord*. Or would theſe very delicate Gentlemen, who chooſe that a man's throat ſhould be cut with a feather, have had him make a ſpeech as long as that which Colonel Capper has been informed he did make; but which, conſidering the hurry ſuch a matter muſt be executed in, is not very probable. It may, however, be an exact account of what paſſed for any thing I know; but I hope not for Colonel Stuart's ſake.---For if the author of a

* Mr. Dalrymple's note L, page 35, on Lord Pigot's Narrative, ſhows this to have been the caſe. Lord Pigot ſhowed this letter to Mr. Ruſſell and me after breakfaſt, at the Garden Houſe: we agreed that it had a very ſuſpicious appearance; but his Lordſhip thought, it was only meant by Colonel Stuart *as an apology to his party for leaving them.*

tragedy

tragedy was, in ſuch circumſtances to put as long a ſpeech in his hero's mouth, I might think it very fine, but ſurely very unnatural.---It would ſcarce be excuſeable for the hero of an opera; for Rauzzini, at ſuch a time, to ſing one of his beſt ſongs.

Lord Pigot in his Narrative proceeds to account for Colonel Stuart's conduct, by charging him with having * corrupt views on the Tanjore country. I appeal to the world, whether it is decent, fair, or juſt, to mention report, unſupported by any evidence whatever, of the corruption of an officer of Colonel Stuart's rank and character?---In what manner does Lord Pigot defend himſelf from a charge of the ſame nature, which Mr. Benfield offers to *prove* upon him?---He appeals to his *former known* character.

Lord Pigot had been twenty years in the Company's ſervice, when it was *confidently reported* he came home worth £.500,000. Colonel Stuart has been near thirty years in the King's ſervice, I never heard he was worth as many halfpence.

It is not my intention to throw any reflection on Lord Pigot, on account of the fortune he amaſſed before his return to India; the noble and generous uſe he made of it will cover the means he got it by, without they were very bad indeed. But may I not, in behalf of an abſent friend, ſay, without fear of offending his Lordſhip, that if reports, and ſuſpicions of the Company's ſervants being actuated by pecuniary motives, are to have weight againſt any one, it is more reaſonable it ſhould be againſt a rich than againſt a poor man.

I will make no *charge* of this nature, founded on report; but I beg leave to aſk of Lord Pigot's friends, how he acquired the amazing fortune, I till now with pleaſure ſaw him poſſeſſed of?

There are ſeveral modes of getting money in the Carnatic;---but they may be all claſſed under the four different heads of,---Offices,---Trade,---Gifts,---Plunder.---I am no impertinent fellow, that ſeeks to dive into the *minutiæ* of other people's affairs;---I only deſire to know, in which of thoſe modes, this half million of money was acquired? The ſpirit and magnificence of Lord Pigot would, I am ſure, never ſuffer him to lay up any part of the emoluments of the different offices he enjoyed, in a ſervice of twenty years.---It was not the cuſtom for the Council of Madraſs to trade.---One might therefore conclude, it muſt have been either by gift, or plunder, that his Lordſhip became poſſeſſed of this princely fortune; but I will draw no concluſion, leſt I offend the delicacy of his Lordſhip's

* "It was alſo *confidently reported*, that Colonel Stuart had, for a pecuniary conſideration, engaged to manage the concerns of thoſe people in the Tanjore country." See Lord Pigot's Narrative, page 6. If there was any foundation for this report, Colonel Stuart was a very improper man for Lord Pigot to make Commander in Chief.

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honour, already ſo much hurt by the charge of Mr. Benfield.---Only, I hope, that if it was by gifts this fortune was made, they were not received from his old friend Mohammed Ali, Nabob of Arcot; for, if Lord Pigot heretofore got 500,000 l. from that Prince, his neglecting to ſend 100,000l. more, after his Lordſhip to Europe, is no good reaſon for ruining ſo magnificent a benefactor.

I have as good a right to aſſert, that the Nabob promiſed, in the year 1762, to ſend after Lord Pigot this 100,000 l. as Lord Pigot has to charge Colonel Stuart with corrupt motives for wiſhing to go to Tanjore; for the former was, to ſpeak modeſtly of it, at leaſt as *confidently reported*, to have been the caſe as the latter; but, I truſt, no friend of Colonel Stuart's will attempt to defend him on the ſame ground as Lord Pigot's friends do his Lordſhip.---They ſay, this report cannot be true, becauſe Lord Pigot actually received a penſion from the Nabob of 5,000l. a-year, from the time he left India, till within three years of his return, when the Nabob ſtopt it, under pretence of poverty.---They produce a proof of this fact, which, I confeſs to be undeniable.---Mr. is ſaid to have received the arrears of this penſion, as Miſs Pigot's fortune *.

I am ſo fearful of offending Lord Pigot, or any of his honourable connections, that before I paſs even a reflection on any of theſe reports, or refutations of them, I muſt firſt know, whether I am to conſider the Nabob as an independent Prince, or as Lord Pigot's friend and equal. I hope thoſe of his Lordſhip's partizans, who will not allow him to be ſtiled the former, will not be offended at my calling him the latter.

As a Sovereign, I confeſs, European maxims would juſtify Lord Pigot for thinking he was not entitled to gratitude; but, as his Lordſhip's friend and equal, I am afraid no maxim of any part of the world will juſtify his forgetting thoſe pecuniary obligations, which he formerly condeſcended to accept at the hands of Mahammed Ali.—Let me be underſtood.——I do not ſay this is my opinion, but that Lord Pigot's enemies will hold this language.—Far different are my ſentiments.——Lord Pigot is an Engliſhman, and a Chriſtian—Mahommed Ali, a Moor and a Mahometan.——Had the caſe been reverſed, indeed! had the Engliſhman been the Moor, and the Moor the Engliſhman!———When will the meaſure of our iniquities be full? when will the other quarters of the globe pay back to Europe the hideous debt of injuries that they owe her?

In this defence of an abſent friend, I beg it may be attended to, that I neither avail myſelf of the latitude which is generally given in political, more than in private caſes; nor of the indignation an honeſt man muſt

* It is aſſerted, and not denied, that upon this tranſaction's coming out at Madraſs, the arrears of penſion which had been received and pocketted two months before, were ſent back to the Nabob, but he would not receive them.

naturally

naturally feel, at being ſuppoſed capable of being *bought* to deſert his friends by the command of the army, which he could only obtain, by the certain diſgrace, and the probable death, of one of thoſe friends, whom he was required to betray.

It is for not adopting this new ſyſtem of morality, propoſed to him by Lord Pigot, that he is branded by his Lordſhip's friends with the names of *perfidious ſcoundrel and villain.*

Even the illiberal terms they have permitted themſelves to make uſe of, have not prevented my feeling much hurt at finding, that the vindication of my friends muſt neceſſarily include an attack upon their enemies.

The attempt made by Lord Pigot and his party to bias the opinion of the world, by throwing opprobriums on the majority of the Council, and Colonel Stuart, laid me under a neceſſity of wiping the dirt from the ſhoulders of my friends; if, in falling, it has lighted on thoſe of the aggreſſors, they have themſelves to blame. In any retort I have made upon them, I have endeavoured to make decency check the career of truth.

THE END.

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